IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

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UNITED STATES OF AMERICA

V. § CRIMINAL NO. 1:15-CR-00162-SS

HELENA TANTILLO §

MOTION TO ALLOW FILING OF MOTIONS IN LIMINE IMMEDIATELY PRIOR TO TRIAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW the Defendant, HELENA TANTILLO, by and through undersigned counsel and moves this Honorable Court to allow the Defendant to file motions in limine at a time set by this Court before the commencement of said trial. In support of said motion, the Defendant would show unto the Court as follows:

I.

This Honorable Court has ordered that all pretrial motions are to be filed with this Court by December 15, 2015. The parties have not have filed exhibit and witness lists or completed discovery. Counsel anticipates, however, that an issue appropriately raised in a motion in limine may arise between now and the January 19, 2016 trial date.

II.

The trial of this cause will not be delayed in any way by the granting of this motion and by allowing Defendant to file motions in limine and the Government will not be prejudiced by an order granting this motion.

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ARGUMENT & AUTHORITIES

In order to insure the Defendant a fair trial, it is necessary that the Defendant be allowed to

file motions in limine immediately before trial as a result of information the Defendant anticipates may arise prior to trial. It is within the sole discretion of the trial judge of allow this as the trial judge has broad discretion over the trial timetable. *United States v. Bein*, 728 F.2d 107 (2nd Cir. 1984).

IV.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully requests this Honorable Court to grant this motion and issue appropriate orders to enforce same.

Respectfully submitted,

BURLESON, PATE & GIBSON, L.L.P.

/s/ Michael P. Gibson

MICHAEL P. GIBSON
TEXAS BAR CARD NO. 07871500
900 Jackson Street, Suite 330
Dallas, Texas 75202
Telephone: (214) 871-4900
Facsimile: (214) 871-7543
Email: mgibson@bp-g.com

COUNSEL FOR DEFENDANT HELENA TANTILLO

CERTIFICATE OF CONFERENCE

This is to certify that the undersigned counsel conferred with Nicholas Bunch and Walt Junker, the Assistant United States Attorneys in charge of this case, and is authorized to state that the Government will file a written response pursuant to this Court's order.

/s/ Michael P. Gibson
MICHAEL P. GIBSON

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing motion was delivered by ECF filing to Nicholas Bunch and Walt Junker, the Assistant United States Attorney in charge of this case, 1100 Commerce, 3rd floor, Dallas, TX 75242, on this the 15th day of December, 2015.

/s/ Michael P. Gibson
MICHAEL P. GIBSON